

No. 2016-1131

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

MOULDTEC, INC.,

Plaintiff-Appellee,

v.

PAGTER & PARTNERS INTERNATIONAL B.V. and
PAGTER INNOVATIONS, INC.,

Defendants-Appellants.

Appeal from the United States District Court for the Northern District of
Illinois in Case No., 12-cv-04249
Judge Virginia M. Kendall

UNOPPOSED MOTION TO WITHDRAW APPEARANCE OF COUNSEL

MATTHEW P. BECKER
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Counsel for Mouldtec, Inc.

APPELLEE'S CERTIFICATE OF INTEREST

The undersigned counsel of record for Appellee hereby certifies the following in compliance with Fed. Cir. R. 47.4:

1. The full name of every party represented by me is:

Mouldtec, Inc.

2. The name of the real party in interest represented by me is:

None.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

None.

4. The names of all law firms and the partners or associates who appeared for Mouldtec, Inc. in proceedings before the United States District Court for the Northern District of Illinois, or are expected to appear in this Court, are:

BANNER & WITCOFF LTD

Matthew P. Becker, Jon O. Nelson

BISHOP DIEHL & LEE LTD

Edward F. Bishop, Nicolas S. Lee, Monique A. Morneault

COWLIN, NAUGHTON, CURRAN & COPPEDGE

Justin Hansen

Pursuant to Federal Circuit Rules 27 and 47.3(c)(5), Banner & Witcoff, Ltd. (the “Firm”) respectfully moves to withdraw the appearances of Matthew P. Becker, Jon O. Nelson, and Banner & Witcoff, Ltd. as counsel for Plaintiff-Appellee in the above captioned appeal.

Pursuant to Rule 47.3(c)(5), the Firm provided Mouldtec with notice of its intention to withdraw and Mouldtec does not oppose the withdrawal of the Firm as counsel for this matter. The Firm also contacted counsel for Appellants and Appellants do not oppose this motion.

Good cause exists for the Firm’s motion to withdraw. On June 11, 2014, Mouldtec signed an engagement letter to secure the Firm as its counsel for this matter. The Firm has provided Mouldtec with substantial legal representation protecting its interests for nearly two years in this litigation and appeal. In addition, the Firm has expended funds on Mouldtec’s behalf associated with the district court litigation and this appeal. The Firm provided Mouldtec with reasonable notice of its financial obligations to the Firm. Mouldtec has had ample time to find sources of payment for the fees and costs of this litigation, including the appeal. However, Mouldtec has failed to pay nearly all of the attorneys’ fees and costs incurred for the Firm’s defense of the district court litigation and this appeal, making it impossible for the undersigned counsel to continue to effectively represent Mouldtec in this action. Because of the significance of the expenditures

already incurred, the continued representation of Mouldtec will present an unreasonable financial burden on the Firm.

The Firm notified Mouldtec of its intention to withdraw from the case for nonpayment of fees on April 21, 2016. Mouldtec's President, Richard Del Olmo, acknowledged receipt of the notice the same day. On May 5, 2016, the Firm reiterated that it was withdrawing from the case, and Mouldtec did not oppose. Mouldtec has been provided with a copy of its files related to this appeal and the underlying litigation.

The issues on appeal in this case are fully briefed. Oral argument is set for July 5, 2016. Mouldtec has had, and will continue to have, ample time to retain replacement counsel for this appeal. Permitting the Firm and counsel to withdraw their appearances will not materially adversely affect any party.

For these reasons, the Firm respectfully requests this Court to enter an Order allowing the Firm, Matthew P. Becker, and Jon O. Nelson to withdraw as counsel for Mouldtec.

May 25, 2016

Respectfully submitted,

/s/ Matthew P. Becker
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Attorney for Plaintiff-Appellee
Mouldtec, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of May, 2016, I caused the foregoing to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit through the Court's CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Additionally, a copy of this motion has been served by first class mail to Mouldtec, Inc., with confirmation by e-mail to the President of Mouldtec Inc. (Richard Del Olmo) (rdelolmo@mouldtec.net).

/s/ Matthew P. Becker
MATTHEW P. BECKER

Attorney for Plaintiff-Appellee
Mouldtec, Inc.